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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: David KLUG et al.

Confirmation No.: 7438

Patent No.: 6,759,079 B2

Application No.: 09/933,852

Patent Date: July 6, 2004

Filing Date: August 21, 2001

For: SHAPED, CENTER-FILLED
CONFECTIONERY PRODUCTS

Attorney Docket No.: 88265-6971

REQUEST FOR CERTIFICATE OF CORRECTION UNDER 37 C.F.R. § 1.322

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Certificate

JUL 12 2004

of Correction

Sir:

Patentees hereby respectfully request the issuance of a Certificate of Correction in connection with the above-identified patent. The correction is listed on the attached Form PTO-1050, submitted in duplicate. The correction requested is as follows:

At column 10, line 60 (claim 14, line 1), change "The new edible confectionery product of claim 1," to -- The edible confectionery product of claim 1, --. Support for this correction can be found in application claim 23 presented in applicants' Amendment filed March 2, 2004.

The requested correction is for an error that appears to have been made by the Patent Office. Therefore, no fee is believed to be due for this request. Should any fees be required, however, please charge such fees to Winston & Strawn LLP Deposit Account No. 50-1814. Please issue a Certificate of Correction in due course.

Respectfully submitted,

7/8/04

Date

Allan A. Fanucci, Reg. No. 30,256

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202-371-5904

UNITED STATES PATENT AND TRADEMARK OFFICE
CERTIFICATE OF CORRECTION

PATENT NO.: 6,759,079 B2
DATED: July 6, 2004
INVENTORS: Klug et al.

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It is certified that error appears in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

Column 10:

Line 60, change "The new edible confectionery product of claim 1," to -- The edible confectionery product of claim 1, --.

UNITED STATES PATENT AND TRADEMARK OFFICE
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Column 10:

Line 60, change "The new edible confectionery product of claim 1," to -- The edible confectionery product of claim 1, --.

can be added, wherein a top holds the center inclusion into the molten base unit confectionery. The product is then cooled and removed from the bar, and the top of the bar will be smooth and will not have the center inclusion be visible.

If the center inclusion is more dense than the molten base unit confectionery, it may be necessary to first add at least some base unit confectionery to the mold, beneficially setting or solidifying the molten confectionery at the bottom of the mold, and then additional molten base unit confectionery can be added as needed. The first solidified molten confectionery prevents the center inclusion from sinking to the bottom of the mold, where it would be visible on the top of the bar.

When making a center-filled candy, it may sometimes be desirable to employ an exterior coating or shell that includes more than one type, color, or flavor of confectionery. The present invention also allows two or more different candies to be employed as an exterior layer. In such a case where two different candies are used, the first molten "base unit" confectionery may be added, the center inclusion added, and then a second molten "base unit" confectionery can be added. Such combinations will be readily apparent to one of ordinary skill in the art with the benefit of this disclosure.

The fat and water content of the confectioneries may be adjusted as is known in the art to prevent delamination of the base unit confectionery from the center inclusion.

It may also be desirable to employ center inclusions of differing types in various base units within a single product that includes a plurality of base units. For example, a finished product may include three base units joined on opposing sides to form a line, and the center inclusions added to each base unit may be the same or different, for example a regular rice puff, a chocolate rice puff, or a brownie, and a peanut-flavored rice puff or other peanut confectionery. Such combinations will enhance consumer interest in the product.

A preferred product includes a plurality, for example 2 to 6 base units, preferably 3 or 4 base units, each with a center inclusion, where the individual base units are connected on at least one side to one another. The connection is shearable between base units, and the side that are connected to other base units be longer than the sides immediately adjacent thereto to provide the required strength. At least one center inclusion formed of different confectionery than another center inclusion.

The term "about," as used herein, should generally be understood to refer to both numbers in a range of numerals. Moreover, all numerical ranges herein should be understood to include each whole integer within the range.

While the confectionery invention is intended primarily for use as candy, for example chocolate, it is envisioned that the same shape bar with large center inclusions can also be formed with ice cream, cake-type confectioneries, cookie-type confectioneries, flavored gelatin, and the like.

The product is an edible article of manufacture for ingestion, having a predetermined structural characteristic defined by the size and shape of both the base unit and the center inclusion. It will be appreciated that numerous modifications and embodiments may be devised by those skilled in the art. Therefore, it is intended that the appended claims cover all such modifications and embodiments as falling within the true spirit and scope of the present invention.

What is claimed is:

1. An edible confectionery product comprising:
a base unit formed of a first confectionery having a bottom wall and between five to twelve sides and defining a

cavity therein, with at least some of the sides forming an angle of less than 90° with respect to the bottom wall; and

a center inclusion formed of a second confectionery, the inclusion located in the cavity and being at least partially imbedded therein, wherein the first confectionery is different from the second confectionery.

2. The edible confectionery product of claim 1, wherein the base unit has six, eight, or ten sides, and the center inclusion has a rounded top with a radius of curvature of about 1 cm to about 4 cm.

3. The edible confectionery product of claim 1, wherein the base unit has six, eight, or ten sides, and at least half of the sides are angled inwardly to assist in retaining the inclusion in the cavity, wherein the angles between adjacent sides are substantially equal, and the center inclusion has a rounded top with a radius of curvature of about 1 cm to about 4 cm.

4. The edible confectionery product of claim 1, wherein at least one of the first or second confectionery comprises chocolate, flavored gelatin, a cookie, a layered wafer, ice cream, caramel, or a combination thereof.

5. The edible confectionery product of claim 1, wherein the first confectionery comprises chocolate, and wherein the second confectionery comprises a baked product.

6. The edible confectionery product of claim 1, wherein the first confectionery comprises chocolate and one or more of rice puffs, cookie bits, toffee, ground nuts, fruit, or a grain-based cereal product, wherein the rice puffs, cookie bits, toffee, ground nuts, or fruit are sized at about 800 counts to about 6000 counts per pound.

7. The edible confectionery product of claim 1, wherein the first confectionery comprises chocolate and the second confectionery comprises a peanut-based confectionery, a caramel-based confectionery, a nutty confectionery, a coconut-based confectionery, a chocolate-based confectionery, a gelatin gummie, a sugar panned sphere, a fudge, a fondant, a taffy, a nougat, or a combination thereof.

8. The edible confectionery product of claim 1, wherein the second confectionery comprises at least 50% by volume of a plurality of rice puffs, nuts, or a combination thereof.

9. The edible confectionery product of claim 1, wherein the center inclusion comprises a homogeneous body with a diameter of about 1 cm to about 2 cm and weighs about 20 counts to about 400 counts per pound.

10. The edible confectionery product of claim 1, wherein the center inclusion comprises a puffed rice ball or disk with a diameter of about 1.3 cm to about 2 cm.

11. The edible confectionery product of claim 1, comprising 2 to 6 base units each having a center inclusion, the individual base units being connected on at least one side to another base unit, wherein the connection is shearable between base units to separate the base units for consumption.

12. The edible confectionery product of claim 11, wherein the side that is connected to the side of another base unit is longer than the sides immediately adjacent thereto.

13. The edible confectionery product of claim 11, wherein the number of base units is 3 or 4, and at least one center inclusion is formed of different confectionery than the other center inclusions.

14. The ~~new~~ edible confectionery product of claim 1, wherein the center inclusion comprises a single homogeneous body.

15. The edible confectionery product of claim 1, wherein the center inclusion is visible.

16. The edible confectionery product of claim 1, wherein the center inclusion is coated with a confectionery so that it is not visible.

Day : Monday
Date: 7/12/2004

Time: 16:06:00

 **PALM INTRANET**

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